

REMARKS

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 2, 4-10, 13-16, 19-24 are pending in the application. Claims 1, 11 and 17 have been cancelled without prejudice or disclaimer. Claims 21-23 have been rewritten in independent form including all limitations of respective base claims 1, 11 and 17 without otherwise touching the merits. No new matter has been introduced through the foregoing amendments.

The objection to the Declaration is noted. Applicants respectfully submit that the current language of the original Declaration is acceptable to the USPTO. The Examiner is invited to consult the attached Notice (1327 OG 112) for the latest USPTO's position on the issue. Withdrawal of the Declaration objection is now believed appropriate and therefore respectfully requested.

The 35 U.S.C. 103(a) rejections of all claims as being obvious over *Rasmussen* in view of *Koizumi* and further in view of the newly cited and applied reference of *Brawley* (U.S. Patent No. 7,278,513) are noted. Basically, the Examiner alleged that the primary reference of *Rasmussen* discloses all features of the claimed invention, except features (a) through (e) listed in pages 3-4 of the Office Action. The Examiner then relied on *Koizumi* for features (a)-(c), *Brawley* for features (d) and (e), and concluded that the claimed invention would have been obvious over the prior art teachings.

Applicants respectfully disagree with the Examiner's position with respect to, at least, claims 21-23, which have been placed in independent form. In particular, claims 21-23 recite, among other things, that "the sound transmitting passages are substantially parallel to each other

throughout entireties thereof from the respective sound generating devices to the respective sound generating holes" or "the left and right side walls of each of the sound transmitting passages are substantially parallel to each other throughout entireties thereof from the respective sound generating device to the respective sound generating hole."

The Examiner's position that the features are met by *Brawley* is noted. Applicants respectfully submit that the applied references, especially *Brawley* and *Koizumi*, are not properly combinable to include the claim features. Specifically, the Examiner proposed to use the *Koizumi* sound hole/passage setup in the gaming machine of *Rasmussen*, and then replace the curved/converging sound passages of *Koizumi* with the straight/parallel sound passages of *Brawley*. This rationale is flawed at least because the Examiner's proposal to replace the converging sound channels of *Koizumi* with the straight sound channels of *Brawley* would impermissibly change the principle of operation of *Koizumi* and/or render the *Koizumi* sound setup unsatisfactory for its intended purpose.¹ It should be noted that the converging sound channels are required by *Koizumi* as disclosed, for example, in the Title, arrows A and B in FIG. 2 and the last line of the Abstract of the reference. To replace the *Koizumi* converging sound passages in the *Rasmussen/Koizumi* combined device with the straight wall sound passages of *Brawley* would at least render the reference being modified, i.e., *Koizumi*, unsatisfactory for its intended purpose of providing conversing sound, controlling the directivity of the sound and improving sound image localization.² Thus, a person of ordinary skill in the art would not have been found it obvious to combine the references in the manner proposed by the Examiner.

It should be further noted that a "prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). Therefore, it would be improper to rely on *Koizumi* only for the setup of sound

¹ MPEP, section 2143.01.V-VI.

emitting holes coelevational with the TV screen while disregarding the reference's requirement for converging sound passages. *Koizumi*, as a whole, discloses that high sound quality can be provided without requiring excessive space by using converging sound passages, and that overall requirement would be impermissibly defeated by the Examiner's proposal of replacing *Koizumi's* sound passages with *Brawley's* ones.

Accordingly, Applicants respectfully submit that the references could not be properly combined as applied by the Examiner, and that claims 21-23 are patentable over the applied art of record.

The dependent claims are considered patentable at least for the reasons advanced with respect to the respective independent claims.

Each of the Examiner's rejections has been traversed. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

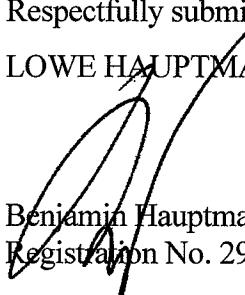
² *Koizumi*, e.g., at column 4 lines 12-13, 37-38.

Serial No. 10/696,577

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN HAM & BERNER, LLP


Benjamin Hauptman
Registration No. 29,310

USPTO Customer No. 22429
1700 Diagonal Road, Suite 310
Alexandria, VA 22314
(703) 684-1111
(703) 518-5499 Facsimile
Date: April 22, 2008
BJH/KL/mps